
OLR Bill Analysis

sSB 311 (File 535, as amended by Senate "A" and "B")*

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES.

SUMMARY:

This bill removes specific intent as an element of fourth-degree sexual assault.

The bill generally increases the penalty for the deprivation of civil rights from a class A misdemeanor to a class D felony. Currently, only those violations that involve property damage over \$1,000 are a class D felony.

It further amends sHB 5230, as amended by House Amendment "A," which is on the Senate calendar. Beginning October 1, 2012, that bill specifies when insurers may impose a hurricane deductible under homeowners and certain other policies issued or renewed on or after July 1, 2012. This bill applies that provision to policies issued or renewed on or after October 1, 2012, thus preventing the provision's retroactive application.

The bill also conforms the state's statutory duration of daylight savings time to the change in federal law, which became effective in 2007 (15 USC § 260a, P.L. 109-58, Energy Policy Act of 2005). The bill (§ 2) requires daylight savings time to begin on the second Sunday of March (rather than the first Sunday in April) and end on the first Sunday in November (rather than the last Sunday in October).

It makes minor, technical, and grammatical corrections in the general statutes.

*Senate Amendment "A" (1) adds the provisions on sexual assault and hurricane insurance deductibles and (2) makes technical changes.

*Senate Amendment "B" increases the penalty for discriminatory practices.

EFFECTIVE DATE: October 1, 2012; except for a provision correcting a definition reference in the sales and use tax exemption, which takes effect July 1, 2012; and another technical provision regarding the use of cardiopulmonary resuscitation or an automatic external defibrillator, which takes effect upon passage.

SEXUAL ASSAULT IN THE FOURTH DEGREE

The bill removes specific intent as an element of fourth-degree sexual assault, thus allowing someone to be convicted of this crime if he or she negligently or recklessly subjects another person to sexual contact and the victim is:

1. under 13 years old and the offender is more than two years older,
2. 13 or 14 years old and the offender is more than three years older,
3. mentally defective or incapacitated to the extent that he or she is unable to consent to sexual contact,
4. physically helpless,
5. under age 18 and the offender is his or her guardian or otherwise responsible for his or her welfare, or
6. in custody or detained in a hospital or other institution and the offender has supervisory or disciplinary authority over him or her.

Other acts constituting fourth-degree sexual assault, such as sexual contact without the victim's consent or with a student enrolled in a school where the offender works, do not require that they be committed intentionally. By law, all acts of fourth-degree sexual assault require, under the definition of "sexual contact," contact for the purpose of sexual gratification of the actor or to degrade or humiliate

the victim (CGS § 53a-65).

Fourth-degree sexual assault is a class A misdemeanor, unless the victim is under age 16, which makes the crime a class D felony (see Penalties below).

DISCRIMINATORY PRACTICES

The law makes the intentional deprivation of another person's legally guaranteed right because of his or her religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness or physical disability a discriminatory practice. The bill increases the penalty for the following, which by law are types of deprivations, a class D felony, rather than a class A misdemeanor, regardless of the value of the property damage:

1. the intentional desecration of public property, a monument or structure, or any religious object, symbol or house of worship, any cemetery, or any private structure not owned by the person;
2. placing a burning cross or simulation of one on any public property or private property with the owner's written consent; or
3. placing a noose or simulation of one on public property or on private property, without the owner's written consent, to intimidate or harass another because of his or her religion, national origin, alienage, color, race, sex, sexual orientation, blindness or physical disability.

PENALTIES

A class A misdemeanor is punishable by up to one year in prison, a fine of up to \$2,000, or both. A class D felony is punishable by one to five years in prison, a fine of up to \$5,000, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/02/2012)